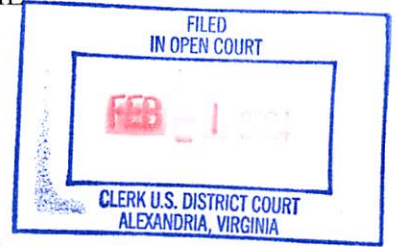


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION



UNITED STATES OF AMERICA

v.

Case No. 1:23-CR-172

ELISHA JASON ALBERT,

Defendant.

STATEMENT OF FACTS

The United States and the defendant, ELISHA JASON ALBERT (hereinafter, “the defendant”), agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. On or about August 30, 2023, in Prince William County, in the Commonwealth and Eastern District of Virginia and elsewhere, the defendant, ELISHA JASON ALBERT, attempted to and did employ, use, persuade, induce, entice, and coerce a minor, MINOR VICTIM 1, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that the visual depiction would be transported or transmitted using any means or facility of interstate commerce and in or affecting interstate commerce; and that visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and that visual depiction had actually been transported and transmitted using any means and facility of interstate commerce.

2. Furthermore, between on or about August 25, 2023, and on or about September 25, 2023, in Prince William County, in the Commonwealth and Eastern District of Virginia and elsewhere, the defendant, ELISHA JASON ALBERT, using a facility and means of interstate

commerce, did knowingly attempt to persuade, induce, entice, and coerce MINOR VICTIM 1 and an undercover law enforcement officer impersonating MINOR VICTIM 1, who had not attained the age of 18 years, to engage in any sexual activity for which any person can be charged with a criminal offense, including conduct in violation of Virginia Code Section 18.2-371(ii), which prohibits anyone 18 years of age or older from engaging in consensual sexual intercourse or anal intercourse with or performing cunnilingus, fellatio, or anilingus upon or by a child 15 or older not his spouse, child, or grandchild.

3. Furthermore, on or about September 25, 2023, within the Eastern District of Virginia and elsewhere, the defendant, ELISHA JASON ALBERT, traveled and attempted to travel in interstate commerce with a motivating purpose of engaging in any illicit sexual conduct with another person, including in violation of 18 U.S.C. § 2243, which prohibits engaging in a sexual act, as defined in 18 U.S.C. § 2246, with a person between the ages of 12 and 16 years old who is at least four years younger than the perpetrator.

4. Finally, on or about September 25, 2023, within the Eastern District of Virginia and elsewhere, the defendant, ELISHA JASON ALBERT, knowingly transported using any means and facility of interstate and foreign commerce and in and affecting interstate commerce visual depictions contained on an Apple iPhone [S/N G6TG25L80DXT], the production of which involved the use of a minor engaging in sexually explicit conduct, and such visual depictions were of such conduct.

Snapchat and iMessage Communications with MINOR VICTIM 1

5. In August and September 2023, MINOR VICTIM 1 was a 15-year-old girl living in Prince William County, in the Eastern District of Virginia. ELISHA JASON ALBERT was a 24-25 year old man who lived in Garland, Texas.

6. Beginning no later than August 25, 2023, ALBERT began communicating with MINOR VICTIM 1 over Snapchat and iMessage. Snapchat is an application for mobile devices that allows users to chat and share images over the Internet.

7. Before MINOR VICTIM 1 expressly told ALBERT that she was 15 years old, ALBERT remained intentionally ignorant of her age. For example, on August 26, 2023, the following exchange took place:

ALBERT: U sell?
Also, how old r u
MV1: Yes I do
How old do you want me to be?
ALBERT: Its better if you don't answer then

ALBERT then received sexually explicit material in response to his requests for said material.

8. On August 30, 2023, ALBERT asked MINOR VICTIM 1 to produce sexually explicit material for him. Between 4:19 pm and 4:44 pm, ALBERT told MINOR VICTIM 1: “take out your dildo” and “slowly put it in your mouth for me princess[.]” “Or you can make a video for a few mins where you give the sloppiest head ever while gagging on it.” ALBERT also said: “I want you to slide it deep inside your ass while your fingers go inside your pussy[.]” ALBERT then clarified that he wanted MINOR VICTIM 1 to play with her ass only, “[t]harder and sloppier the better.” He told her: “do a good job and you will [be paid] princess.”

9. At 4:55 pm, an almost four-minute video was created on MINOR VICTIM 1’s phone in which she simulates oral sex on a dildo as requested by ALBERT. At 5:02 pm, that video was received by ALBERT via text message.

10. At 5:04 pm, an almost three-minute video was created on MINOR VICTIM 1’s phone in which she anally penetrates herself with a dildo as requested by ALBERT. At 5:08 pm, that video was received by ALBERT via text message, and at 5:17 pm it was received by

ALBERT via Snapchat. At 5:40 pm, ALBERT told MINOR VICTIM 1, "I loved it when you turned around," referencing a specific part of this anal sex video.

11. MINOR VICTIM 1's iPhone on which these two videos were created was manufactured in China.

12. On September 8, 2023, MINOR VICTIM 1 specifically told Albert that she was fifteen years old. He told her that he was 22:

MV1: How old did you say you were
ALBERT: I didn't
Just like you didn't
MV1: Well how old are you
ALBERT: How old are you
MV1: I asked you first
ALBERT: Im 22
MV1: Oh
ALBERT: And u?
Or do u not wanna tell me
MV1: 15
ALBERT: Oh
Is that a problem for u
MV1: No

ALBERT continued to ask MINOR VICTIM 1 for sexually explicit material, which he received.

ALBERT's Attempted Coercion and Enticement and Travel to the Eastern District of Virginia

13. As early as August 27, 2023, ALBERT told MINOR VICTIM 1 that he wanted to have sex with her:

ALBERT: When was the last time u got fucked down
MV1: Um well I haven't before
ALBERT: Never?
MV1: Nope.
ALBERT: That's good
I can change that
...
I wanna be your first

14. No later than September 7, 2023, ALBERT said that he wanted to come to visit

MINOR VICTIM 1. They discussed that ALBERT would pick MINOR VICTIM 1 up at her house, which was in the Eastern District of Virginia, on September 24, 2023, at 1 pm because ALBERT would be on the East Coast for a wedding.

15. On September 23, 2023, ALBERT flew from Dallas, Texas, to Philadelphia, Pennsylvania, in order to attend that wedding. The same day, ALBERT rented a car and drove to Long Island, New York to visit a friend.

16. On September 25, 2023, ALBERT drove from the State of New York to the Commonwealth of Virginia to meet what he believed to be MINOR VICTIM 1 in Haymarket, in the Eastern District of Virginia. ALBERT intended to have sex with MINOR VICTIM 1. ALBERT booked a hotel room for two guests for the night of September 25, 2023, at an Extended Stay America approximately five miles from where he arranged to meet MINOR VICTIM 1. ALBERT also told who he believed to be MINOR VICTIM 1 (but was actually an FBI Online Covert Employee) that she did not have to worry about getting pregnant "Cause I wont finish inside u[.]" ALBERT also brought with him to the meeting with MINOR VICTIM 1 prescription pills from a company which advertises "Stronger and Longer Lasting Erections" using the motto "Have Better Sex."

17. ALBERT was arrested on September 25, 2023, when he arrived at the location agreed upon with what he believed to be MINOR VICTIM 1. He was advised of his *Miranda* rights, which he knowingly and voluntarily waived orally and in writing. ALBERT then gave a statement to law enforcement, which was audio and video recorded.

18. ALBERT admitted to the Snapchat and iMessage communications with MINOR VICTIM 1. He admitted that he knew she was 15 years old. He admitted that he traveled from Long Island, New York to Haymarket, Virginia on September 25, 2023, with the sole purpose of

meeting with MINOR VICTIM 1. He admitted that his intentions were sexual in nature.

Transportation of Sexually Explicit Material of Minors

19. At the time of his arrest on September 25, 2023, ALBERT was in possession of an Apple iPhone [S/N G6TG25L80DXT], which was assembled in China. This phone was forensically extracted pursuant to a federal search warrant. Law enforcement found approximately thirty-six sexual and sexually explicit videos of MINOR VICTIM 1, including the video produced on August 30, 2023, and sent to ALBERT via Snapchat.

20. Law enforcement also found approximately 64 videos of minors engaged in sexually explicit conduct, including minors as young as 4-6 years old engaged in penetrative sex, lewd and lascivious displays of their genitals, and bondage. These videos were saved in a folder titled “good videos,” which ALBERT knew was on his phone when he drove into the Commonwealth of Virginia on September 25, 2023.

21. This statement of facts includes those facts necessary to support the defendant’s pleas of guilty to each count of the Indictment in this case. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant’s case.

22. The actions of the defendant, as recounted above, were in all respects knowing

and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

Jessica D. Aber
United States Attorney

Date: 2/1/2024

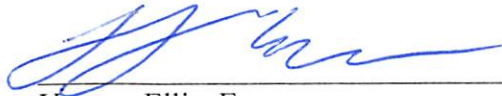
By: Laura D. Withers
Laura D. Withers
Zoe Bedell
Assistant United States Attorneys

After consulting with my attorney, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Elisha Albert

ELISHA JASON ALBERT

I am Yancey Ellis, defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

A handwritten signature in blue ink, appearing to read 'Yancey Ellis', is written over a horizontal line.

Yancey Ellis, Esq.
Zachary Deubler, Esq.
Attorneys for ELISHA JASON ALBERT